



Ex Libris
ELVAH KARSHNER

CHILDREN'S BOOK
COLLECTION



LIBRARY OF THE
UNIVERSITY OF CALIFORNIA
LOS ANGELES

182

FRONTISPIECE



"She caught me by the hair and began
"lugging" and cuffing me:"

Page 3.

JUVENILE TRIALS,
FOR
TELLING FIBS,
ROBBING ORCHARDS,
AND OTHER
OFFENCES.

RECOMMENDED
BY THE AUTHOR OF EVENINGS AT HOME.

LONDON:

PRINTED AND SOLD BY DARTON AND
HARVEY, GRACECHURCH-STREET.

1806.

Price Sixpence.



INTRODUCTION.

IT is much to be lamented, that perversity shews itself so early, as we generally find it does, in young children; and this is principally owing to the over-indulgence of parents, who cannot persuade themselves to curb them in their infancy, hoping, that when they grow up, reason and prudence will point out to them their errors. Children begin to think much earlier than people generally imagine; and were their inclinations and passions to be checked on their first appearance, the matter would not be difficult. For want of strictly adhering to this rule, the tutor has frequently more to do, to keep order in his school, than he has to instruct them in the sciences. Feuds and contentions frequently arise among them, which take off their attention from learning.

Gov. I am inclined to believe, that the rod
A 2 and

Δ1238443

and the cane had better be laid aside: and, if we can bring them to a sense of their errors, either by inflicting on them some kind of disgrace, or depriving them of any particular object that pleases them, we should govern with success.

Tutor. I am inclined to establish among them a kind of equitable court, in which one of the eldest should sit as a supreme judge. He should hear all complaints against any one who should be accused. Their punishments should extend only on slight occasions, to the depriving them of cakes and fruit for a time, which should be limited in proportion to the degrees of their crimes. When any of them are found guilty of being turbulent, quarrelsome, and seditious, sentence should be given against them, that no one should presume to speak to them for a certain time, under particular penalties; I am inclined to think this method of treating them would have a proper effect. When they are corrected by the hands of their governor, it is no sooner over than forgotten, and their companions immediately crowd around them, to console them under a misfortune, which they know not how soon may be their own case; but

but when they are made judges of their own cause, with respect to harmony among themselves, it will become the interest of every one to abide by the general determination, and the shame of being condemned by their own companions, may have a far greater effect on them than any other kind of correction possibly can; and to-morrow, I shall try to put it in practice.

JUVENILE TRIALS.

TRIAL THE FIRST.

THE next morning, the governor called all his scholars together, and thus spoke to them: "My little pupils, I consider myself as a shepherd, and you as the little flock, over whom I am placed by your parents. It has always been my study to keep harmony and good temper among you, at least to endeavour at it; to give you a taste for solid learning, virtue, and morality; and to inspire you with such notions, as when you shall arrive at an age, in which you shall quit this place, you may launch forth into the world with such happy dispositions, as may direct you how to keep clear of those fatal rocks, on which the giddy and the thoughtless are often wrecked. But, alas! in spite of all my endeavours, I have the unhappiness to find
you

you still quarrel among yourselves; you tell fibs, rob orchards, and are guilty of other irregularities, which are committed only by naughty and disobedient children.

“ Correction is of all things, the most displeasing to a fond and indulgent tutor, who would wish to subdue your passions, rather by reason than force. With this view, I am desirous of establishing among you, a court of enquiry, at the head of which I would recommend you to place, as chief justice, Charles Meanwell; his character is well known among you, and as he is present, I will save his modesty the blush, by hearing his virtues recounted to his face. The choice, however, of your judge, shall be left to yourselves. That he may not have it absolutely in his power to decide just as he pleases, on every complaint which shall be made. I would recommend the following mode of proceeding :

“ When any one among you has committed an offence, such as shall be deemed worthy of punishment, complaint may be made thereof to the judge, who shall examine the complainants. And here I must observe, should any one spitefully lay a false charge to
another,

another, or give a false evidence in court, they shall be deemed guilty of the most capital offence, and punished accordingly. If the judge shall deem the complaint a just one, though only of a very trifling nature, then he shall send for the party accused, inquire into the matter himself, and, if he finds the charge is true, and the accused is sorry for his crime, then he shall content himself with reprimanding him, and ordering his secretary to make a minute thereof, in a book kept for that purpose; but shall not, of himself, have any power to inflict punishments.

“ If the party accused should be obstinate, or be found culpable a second time, then the judge shall order his secretary to give notice for trial the next day in the Great Hall, which will be open to every one, during the course of any judicial proceedings. The accused, (who shall be obliged to keep his chamber till the trial is finished, and judgment given, excepting the time he is at the bar before his judges) shall have notice to prepare for his defence, and to name any six, by whose judgment he will abide; if the prisoner is a female, then so many young ladies. If the accused should think the punishment

too

too severe, or the jury shall bring it in *special*, then I will determine it."

Their tutor had no sooner finished, than a murmur was heard throughout the little assembly ; but it was not a murmur of discontent, but shame, that they should have been so naughty and unruly, as to oblige their governor to erect such a tribunal among them. See them all assembled.



They began to accuse each other as the cause of it ; and it is difficult to say where the dispute would have ended, had not Charles Meanwell and Lucy Sterling extinguished the flame, just as it was kindling. Their
tempers

tempers being brought back to their proper pitch, they proceeded to business, and Charles Meanwell and Lucy Stirling were voted into those high offices, to which their governor had recommended them. They both retired covered with blushes at the marks of superiority shewn them.

The rest of the assembly departed to their chambers, filled with uneasiness for the reproach they had received, and determined never to be guilty of any fault that might bring them to a public trial. These reflections were soon forgotten; for, in less than three days, Billy Prattle was brought before Judge Meanwell, charged with the crime of robbing an orchard.

The judge dismissed him the first time, with a gentle reproof; and, though he was a second time accused, the judge even then dismissed him, after severely chiding him, and on his promise never to be guilty of the like. Notwithstanding this clemency, he was the next week brought before him, charged with not only robbing an orchard, but breaking off the boughs, and damaging the hedges. Judge Meanwell now perceived his clemency was ill bestowed, and, despairing of reforming

reforming him by kindness, ordered him a close prisoner to his chamber till the next day, to prepare for his defence and name his jury.

Their tutor had taken care to make every thing as solemn as possible, that it might make the greater impression on their minds. This court was to be held in the great hall, at the upper end of which was placed a large chair elevated three or four steps. On the right hand of the judge, sat the secretary; and at the foot of the chair was a form with a desk, for the jury. On one side stood the accused by himself, and, on the opposite side, the witnesses. The audience stood at the bottom part of the hall.

The court being assembled, and silence demanded, the secretary opened the trial, by crying aloud, "Tommy Telltruth against Billy Prattle, for robbing an orchard."

Judge Meanwell. My little school-fellows, you cannot but be sensible, that it is not the desire of governing others, at an age in which I stand so much in need of being governed myself, which has raised me to this office. It was you who forced it on me, it must be you who can support me in it; and I desire

desire to continue it no longer, than I shall impartially administer justice. Should I be thought guilty of a crime, I will quit this chair, and appear at this bar as a criminal; but while I continue in this chair, I will maintain it with authority, will shew partiality to none, and will punish the offender. I will shew clemency, where there is room for it; and I will be the counsel for the accused. I must beg of you not to treat this matter lightly: it is the result of the wisest deliberation of your tutors: it is done to make you reflect on your own conduct, that you may now see your own errors, and prevent your imbibing those notions, which, if not checked, may one day bring you before a more awful tribunal. I shall not put the question, whether guilty or not, but shall leave the witnesses to prove every thing, then hear what the accused has to say in his own defence, and, after having summed up the whole, shall leave the final decision to the jury. But let me address myself to those, who may be evidences on this or any future trial. It is an invariable rule in all courts of justice, to give in evidence on oath; but here that form will not be admitted. Let them, however, remember,

ber, than they who can suffer themselves to advance a falsity to the prejudice of another, even upon their bare word, will not refuse to confirm it in the most solemn manner. Of all crimes a young gentleman can be guilty of, a lie is the most inexcusable. It is by no means allowable to tell a falsity, even to excuse an error; but to tell one with a tendency to injure, is abominable, is a mark of a mean, degenerate, and wicked mind. I lastly address myself to you gentlemen of the jury. In the cause now before you, the fate of an accused lies more in your hands than mine; by you he must be either found guilty or acquitted. Be attentive, therefore, to the evidence given, and judge of every thing with impartiality.

Secretary. Tommy Telltruth, support the charge.

Telltruth. I am well known as the school-fellow of the accused. I am not actuated to this charge by any other motive than the love of justice, and the desire of acquitting myself of a crime which was unjustly laid to me.

Judge. You accuse him of robbing an orchard; that is the matter you are to prove. To whom did this orchard belong?

B

Telltruth.

Telltruth. To my uncle. It is about a mile from hence.

Judge. What did he take from this orchard.

Telltruth. Eighteen codlins, and a large bough full of black cherries, which he broke off to the injury of the tree.

Judge. How do you know that he did all this? Was he taken in the fact?

Telltruth. One of my uncle's servants pursued him, and took the fruit from him.

Judge. As he was not taken on the spot, you must tell the jury how you knew this fruit to be your uncle's; for that must be made to appear clearly, otherwise your evidence will amount to nothing.

Telltruth. My governor gives me leave to pass every Sunday with my uncle. His orchard has been frequently robbed; and, as boys have been often seen in it, and closely pursued, but always lost about this spot, my uncle concluded it was a combination between me and my school-fellows. All my pretensions to innocence were in vain. I therefore determined one morning to go on the watch myself, and had hardly taken my hiding-place, when I saw Billy Prattle enter.

Judge.

Judge. In what manner did he gain entrance; was it over a wall, or how?

Telltruth. One side of the orchard has no wall, only a strong quickset hedge; through this he had cut a passage, and after he came out of the orchard, so artfully closed it up, that it was difficult for us to find the spot again. I saw him gather all the fruit, and particularly took notice of his breaking off the branch from the cherry-tree.



Judge. How came he to be pursued by another person, and not by yourself?

Telltruth. I went and informed my uncle, who sent a servant after him; he came up with him, and took the fruit from him.

Judge. Call up the next evidence.

Secretary. Jeremiah Trusty give evidence.

Judge. What do you know of this matter?

Trusty. I am usher of the school. I have frequently observed that the accused had a vast quantity of fruit by him, but could never tell how he came by it; but was a little suspicious, as I frequently missed him on Sunday mornings, when the scholars were allowed to walk in a neighbouring field.

Judge. Did he ever give you any of the fruit?

Trusty. Frequently.

Judge. And did you never enquire how he came by it?

Trusty. No.

Judge. Well, what do you know further of this matter?

Trusty. When the accused was committed to my custody, I was ordered by our tutor to search his pockets; I found two letters, the one directed to his sister in London, and the other to a particular playmate, who lives at a school about five miles distance.

Judge. Have you got those letters about you? If you have, read them.

Trusty. I have. Here they are. The first

first is to his sister. "Dear sister, I promised you a basket of fruit, and I will soon send it you. There is such a sharp look out in our garden, that there is no macing any thing; but within a mile of us, there is a fine orchard, well stocked with fruit, of which I hope soon to send you a good account, &c." This is the other letter, which he intended to have sent to his playmate. "Dear Tom, I have this day met with a sad disaster. I had found means to steal away from the Usher, and was returning with a fine booty from the orchard of Telltruth's uncle, when I was pursued by one of his servants, had my cargo seized on, and myself very roughly handled. Adieu, for the present, &c."

Judge. Do you believe those letters to be his own hand writing?

Trusty. I cannot doubt it, my lord, besides, he has confessed they are.

Judge. I think there is no occasion for examining any more witnesses. Billy Prattle, what have you got to say in your defence?

Prattle. I shall not long detain this court in making my defence; indeed, the evidence is too plain against me to admit of any. I did not however, hope any thing from the

deficiency of evidence; for, had I been at first called on to plead, I should have owned my guilt. I confess this is not the first time I have robbed; and I look upon such a confession as becoming me, when it is necessary, by so doing, to remove the suspicions unjustly thrown on another. A false maxim prevailed with me, that there is no harm in stealing for the belly; and it was owing to this wrong method of thinking, that I am thus fallen into disgrace. If I should meet with mercy, I now promise you in public, that I will never more be guilty of the like.

Judge. Gentlemen of the jury, Billy Prattle is charged with robbing an orchard. The first evidence, Tommy Telltruth, supports the charge with precision. He proves the robbery, injuring the trees, and you are further to observe, that this complaint is not lodged out of anger, but purely to clear himself. Mr. Trusty confirms this evidence with two letters. But why need I recapitulate the evidence given against Prattle, since he himself has confessed more than was laid to his charge. But here, you must particularly notice the manner in which he makes his confession: it is with due submission to your goodness. He does not
pretend

pretend to justify the crime; but seems fully sensible of its enormity, and promises never more to do the like. All these things considered, I would recommend it to you to be moderate in your verdict.

(The jury then went out of court, but returned in a few minutes.)

Judge. Are you all agreed in your verdict?

Jury. Yes.

Judge. Is the accused guilty or not?

Jury. Guilty.

Judge. What punishment will you inflict on him?

Jury. We recommend him to your clemency.

Judge. Billy Prattle, you have now been tried for robbing an orchard and breaking off a bough from a tree loaded with fruit. Of this you have been found guilty, the jury have recommended you to mercy. Let not this harden you to attempt any thing of the kind again. You entertained a false maxim, that there is no harm in robbing for the belly; you know not what excess of hunger is, and you was tempted to this rash act through a love of luxuries. The contrition you have now shown, gives me hopes of your future good

good conduct; and it is with pleasure I pronounce your pardon, on condition that you wait on Tommy Telltruth's uncle, confess your crimes to him, implore his forgiveness, and make restitution, if he requires it.

Mr. Telltruth happened to be in court, Prattle made his submission in public, and received his pardon; after which he retired to his chamber, covered with shame and confusion. This affair had such an effect on him, that he has ever since been a good boy; he minds his book, and admonishes others to do the same.

TRIAL THE SECOND.

THE trial of Billy Prattle made a good impression on the minds of all the scholars. The tranquillity of this little republic, was afterwards disturbed by the unruly temper of Sally Delia, who had been several times brought before Lucy Sterling: but this young lady despairing of reforming her, at last ordered her, upon a complaint of a grievous nature, to which she herself had been a witness,

to

to be confined, and the next day brought to her trial. See the picture of this young lady.



The report of this trial being spread, a number of ladies attended, who brought with them their younger daughters, that they might learn prudence from Lucy Sterling, who was to sit as judge in this cause.

The assembly were, however in some measure, disappointed; for Miss Sterling found means to be excused sitting as judge in this cause. Charles Meanwell was then desired to take the chair; the accused was brought to the bar, and the jury, selected from the most discreet of the young ladies, took

took their seats at the foot of the judge. Silence being demanded, the secretary opened the trial.

Secretary. Lucy Sterling against Sally Delia, for raising contention among her school-fellows, and disturbing the general peace.

Judge. If I was unhappy in being appointed to sit in judgment on Billy Prattle, how much more so must I now be, when I am bound to enquire with impartiality into every particular, which may tend to convict Sally Delia of the charge laid against her. I would, however, recommend to you to go through this business with the utmost candour; to advance nothing through prejudice, to conceal nothing through a mistaken tenderness; and to you ladies of the jury, to divest yourselves of every thing—but truth; to weigh nicely the force of the evidence, that, in giving your verdict, you may convince every one present, you have acted upon upright principles.

Secretary. Lucy Sterling, please to support the charge.

Judge. I would beg leave, Lucy Sterling, before you proceed to give your evidence, to ask you, whether either of the ladies on
the

the jury were any ways concerned in this quarrel.

Lucy Sterling. Sally Delia left the choice of her jury to me. It therefore became my business, though a principal evidence against her, to chuse such young ladies as were absent at the time of the fray.

Judge. Happy, indeed, is that young lady, in whom friends and enemies confide!

Lucy Sterling. A few evenings ago, when all the young ladies had finished their labours for that day, they were allowed to amuse themselves in what innocent manner they pleased in our garden. Our governess, who, solicitous for our felicity, thought to add to our pleasures, by sending us a basket of sweetmeats, which she intended to be equally divided; but an unlucky accident turned this kind intention into a scene of sorrow, raised in their hearts nothing but strife. There happened to be a piece of candied angelica, which seemed very beautiful; on this they all placed their attention, and all begged for that. Every one endeavoured to show her superior right; Sally Delia urged her superior strength. But as they were all speaking together, it was almost

almost impossible to distinguish what one said from the other.

Judge. Was Sally Delia the first who talked of committing violence.

Lucy Sterling. I heard nobody else mention any such thing. I endeavoured to quiet them, but they would not listen to me. Their minds were so bent upon this piece of sweetmeat, that all the rest were disregarded. I offered to divide it among them to pacify them; but they all talked together, and had no time to listen to what I said. Then, as the only method to quiet the disturbance, I threw the bone of contention into a ditch, from whence it was impossible for either of them to get it; a profound silence ensued, and I took that opportunity to reason with them on the folly of quarrelling about such trifles. My admonitions were in vain; for the contention broke out more violent; and the dispute now was, not who should have it, but who ought to have had it. Sally Delia was the first who renewed the strife, and not being able to give vent to her passion in words alone, gave Nancy Graceful a slap on the face, the other returned the blow, and the scuffle became general. Many blows, indeed,

indeed, did not pass between them; for they aimed only at tearing each other's clothes. One had her cap torn to pieces, and her hair pulled all about her shoulders; a second had her frock torn down the middle; and in short there was hardly one among them, who had not some mark to show of having been concerned in this unfortunate affair.

Judge. What part did you act in this fray, and how did it end?

Lucy Sterling. I endeavoured to part them, and in endeavouring so to do, received several scratches in the hands and arms.



I know not where all this would have ended, had not our governess come to my assistance.

assistance. After hearing her voice every thing was quiet, excepting with Sally Delia, who, in the presence of her governess, tore two handkerchiefs and an apron. The fear of punishment now began to take place of anger, and each, ashamed of the trophies of victory she held in her hands, let them fall to the ground. Our governess for some time stood astonished, little thinking that what she had given them to increase their felicity, should be the cause of so much animosity. Madam enquired of me the cause of this disaster, which I explained as well as I was able. They were all examined separately, when the tears pleaded their pardon; but Sally Delia remained obdurate and inflexible.

Secretary. Polly Artless, please to come and give evidence.

Judge. What do you know, Polly, of this quarrel?

Polly Artless. I was not present when it happened; but the next morning I attended Sally Delia's examination before Lucy Sterling. Her governess had ordered Lucy Sterling to examine her; and in case she could not bring her to repentance, then to confine her, and order her to be brought to trial.

Judge.

Judge. Relate what passed at this examination.

Polly Artless. Lucy Sterling asked her in the most kind manner what she could think to get by her contention about a piece of sweetmeat. Sally Delia replied, that she should not answer her question: that she did not like to have more than one governess, and if she obeyed her, she thought she did enough.

Judge. What reply did Lucy Sterling make to this?

Polly Artless. Lucy Sterling reminded her of the authority with which she herself had contributed to invest her; that she did not set up to govern others, or to prove herself wiser than they; that she only wanted to persuade her to learn to be peaceable and happy. She therefore begged leave to repeat the question, whether she got any thing by this last quarrel?

Judge. Did Sally Delia make any answer?

Polly Artless. She replied, that she could not say she did get any thing by it, but the displeasure of her governess, and having her clothes torn; that she did not value the sweetmeat, but that she had too much spirit to be imposed on; that she was sure she had as much right to it as any of them.

Judge. Did Lucy Sterling endeavour any further to convince her of her fault?

Polly Artless. Yes, Lucy Sterling told her that she would have shewn a greater spirit in giving up the matter of contention, than in fighting for it; that then she would have proved herself a young lady of moderation and good sense, nor would she have incurred the high displeasure of her governess. Sally Delia was at a loss for an answer; but she was so obstinate that she did not care to own herself in the wrong. At last she replied, I think I am as capable of judging what is right, as you are of teaching me. Then finding herself overpowered by reason, she burst into tears. Lucy Sterling did every thing in her power to bring her to confess her fault: but all was to no purpose; she therefore left her in custody till her trial.

Judge. What is the character of Sally Delia among her school-fellows?

Polly Artless. She is too apt to be quarrelsome, too full of her high birth, and dissatisfied with every thing.

Secretary. Betsy Friendly, please to come and give evidence.

Judge.

Judge. What do you know Betsy Friendly, concerning this quarrel?

Betsy Friendly. I accompanied Polly Artless on the examination of the accused before Lucy Sterling, and to the best of my remembrance, Polly Artless has told the truth.

Judge. Do you know any thing further?

Betsy Friendly. I called this morning on Sally Delia, before she came on her trial. I found her divided between obstinacy and contrition; but I thought more inclinable to the latter.

Judge. Relate what passed at this visit?

Betsy Friendly. As soon as I entered the chamber, I saw her reclined on a couch, in



a pensive posture, and tears in her eyes. I asked her, what she thought of Lucy Sterling's advice, and whether it would not have been better to have followed it than suffer her conduct to be exposed in a public manner?

Judge. What reply did she make?

Betsy Friendly. Sally Delia said, that she began to see a good deal of truth in Lucy Sterling's observations; and she seemed to fear that her reason would at last oblige her to own it. This last thought seemed to fill her with the most painful reflections.

Judge. Did you not endeavour to convince her of the folly of her obstinacy?

Betsy Friendly. I said all I could think on to persuade her to conquer her spirit; she would not, at last, give me a word of answer to any thing I said. I then turned from her and left her.

Judge. What have you observed with respect to her general behaviour?

Betsy Friendly. She is too often obstinate and quarrelsome; but, at other times, free, easy, and good-natured.

Secretary. Susan Lenox, please to give evidence.

Judge.

Judge. What do you know with respect to this fray?

Susan Lenox. I have too much reason to remember it; for my cambric apron, which had cost me three months working was torn to rags. This is a plan of the garden.



Judge. What is your opinion of the general behaviour of Sally Delia?

Susan Lenox. She is sometimes well enough, at least so long as you will listen to her tales about her illustrious family.

Secretary. Anne Graceful, please to give evidence.

Judge. Please to inform the court, Anne Graceful,

Graceful, of what you know concerning this affair?

Anne Graceful. I have reason to complain of my loss, my Dresden handkerchief and ruffles were destroyed.

Judge. Please to inform the court, who gave the first blow?

Anne Graceful. Though I did not see Delia give the first blow, I have no reason to doubt she was the person from whom I received it. When we were disputing who ought to have had the favourite sweetmeat, Sally Delia urged her high birth and fortune; and concluded, that if reason could not strength should have obtained it. Hearing this, I turned my back on her, as a mark of contempt, when I instantly received a violent slap on the head.

Judge. How did you act on that occasion?

Anne Graceful. I instantly turned about, and in my anger, mistaking Susan Lenox for Sally Delia, I treated her very rudely.

Judge. This ought to teach us, that passion is not only ill-becoming a young lady, but that it may lead into such mistakes, as may be attended with serious consequences.

But

But when you found your mistake, how did you behave towards Susan Lenox.

Anne Graceful. As soon as peace was restored, I made an apology, and offered to repair all injuries. The former was granted but the latter would not be accepted.

Judge. I have only one more question to ask, which you will please to answer me on your word. Was there not some old grudge subsisting between you and Sally Delia?

Anne Graceful. I must own that I never liked her: there was something in her so proud and over-bearing as gave me a disgust.

Judge. But were Delia to alter her conduct, should you forget what is past?

Anne Graceful. When she begins to act like a reasonable girl, she will become dear to me and the rest of her school-fellows.

Secretary. Henry Lenox, come forward and give evidence.

Judge. What do you know, Henry Lenox, of this fray?

Henry Lenox. I saw all the finest part of it. I happened to be looking after a bird's nest in a field next to the garden: I heard the young ladies in high chat; but, as the sound did not seem to be very harmonious, curiosity led

led me to see what they were at. Instantly climbed up into a tree, and scarce had I taken my seat, when the engagement began. I saw Sally Delia strike Anne Graceful in the face; that young lady turned about, and pulled off my sister's cap, and part of her hair with it. The battle soon became general, and it was impossible for me to distinguish friends from foes. Such a havock ensued among caps, gowns, and frocks, as I never before beheld. This is the truth of what I know of this terrible disaster.

Judge. Do you, on your word, declare, that Sally Delia gave the first blow?

Henry Lenox. I am certain she did.

Judge. Sally Delia, what have you to say in your defence?

Sally Delia. I am now brought to a public trial, as though I were some mean born wretch; but out of conformity to your customs I submit to it. I deny the whole of the charge, and will wait for the verdict.

Judge. Young ladies of the jury, Sally Delia now stands before you, accused of raising strife and contention among her school-fellows, and disturbing the general peace. Lucy Sterling affirms, that the governess hav-

ing

ing presented the young ladies with a basket of sweetmeets to regale them, a quarrel arose among them with respect to the preference of choice of one part of it. Disputes ran high, and at last Sally Delia was so imprudent as to lift up her hand against one of her school-fellows, which created a general confusion. The part Lucy Sterling acted in endeavouring to pacify them, is no small addition to that character for which she is so justly admired. This young lady says positively, that she saw Sally Delia give the first blow; that the contention was no sooner over, than all of them were sorry for what they had done, except Sally Delia, who persisted in her fault, and was to be prevailed on by no intreaties or arguments. Polly Artless says, that she was not present at the fray, but attended Sally Delia on her examination before Lucy Sterling, and corroborates every thing which that young lady had advanced, but more particularly points out the care Lucy Sterling took, to bring her to reason. I may add, the character this evidence gives Sally Delia, is not at all to her reputation. Betsey Friendly, who visited the accused before her trial, seems to speak something in her favour, by saying

saying she shewed some marks of contrition, but at last left her in an obstinate condition. Susan Lenox stood next to the accused, at the time she struck Anne Graceful, and became herself a sufferer thereby. Anne Graceful cannot take upon herself positively to say that Sally Delia was the person that struck her, though circumstances are strong against her; but Henry Lenox declares he saw Sally Delia give the blow. Sally Delia, in her defence, contents herself with denying the whole of the charge, and rests on her innocence. I will only observe that I cannot see how you can acquit her, when there are so many convincing proofs of her guilt. The principal point to be considered, is what punishment you will inflict: it ought not to be so slight a one, that the remembrance of it may leave no impression behind; nor so heavy, that it may any ways be deemed insupportable. After all, I only give my opinion freely, which, above all, is to do justice, and love mercy.

(The jury went out, and returned again in about half an hour)

Judge. Are you all agreed in your verdict?

Jury. Yes.

Judge

Judge. Is Sally Delia guilty or not guilty?

Jury. Guilty.

Judge. What punishment do you inflict?

Jury. To be confined one month to her chamber; to be allowed neither sweetmeats nor fruit, nor to receive any visits; but, that her health may not be impaired, that she be allowed to walk twice a day in the garden at those times when none of the rest of the scholars are there; that, after that time is expired, she be brought into the large hall, and there be obliged to ask a general pardon of all her school-fellows; and that, in case she refuses to comply with these injunctions, that her parents be then prayed to take her home.

Sally Delia, who had made no doubt but she should be acquitted, no sooner heard this hard judgment given against her, than she burst into tears. The judge seeing it, thus spoke to her. "I should be glad, Sally Delia, if you would inform me and the whole court, from what source those tears flow: whether from a just sense of your crimes, or only from the apprehensions of your punishment? Why should you delay to humble that haughty spirit, to acknowledge your error, and beg for a mitigation

of your punishments? I will myself then plead for you. But remember, if you continue obstinate till the court is broke up, your repentance afterwards will come too late."

Sally Delia then fell upon her knees, acknowledged her fault, and begged a mitigation of her punishment. The judge recommended her to the jury, who left the matter entirely to him. He ordered her to be confined only three days, and even, during that time, to have the liberty of receiving visits from the rest of the scholars.

The trial being now ended, Sally Delia's school-fellows, who just before had been



evidences

evidences against her, ran to her and tenderly embraced her.

She promised to lay aside all her haughty actions, and instead of being hated by her companions, to endeavour to obtain the love of them all. She kept her word, and is now become one of the most amiable young ladies in the school.

The whole court was extremely well satisfied with the candid manner with which every part of the trial was supported.

TRIAL THE THIRD.

HARRY LENOX little thought, when he was giving evidence against Sally Delia, that he should himself be soon brought to a public trial. He was, in many respects, of a good disposition; he loved his books, was affable and obliging to his school-fellows, and subservient to his tutor; then he was so fond of getting into mischief, such as breaking church-windows, laying traps to throw people down, and was very ingenious at inventions of this kind. Whenever he was accused of any thing of this sort, he would not only deny it, but stoutly

stand to it; and this, at last brought him to a trial.

The young gentlemen in general were very much vexed at Harry's disgrace, and would have bought off the complaint, but that this would have been deemed bribery and corruption. The ladies were, most of them, well pleased, that he was himself now brought into the same dilemma. In the mean time, the judge took his seat, the jury assembled, and the prisoner was brought to the bar.

Secretary. Sammy Halifax against Harry Lenox, for a robbery and telling a fib.

Judge. Call up the evidence.

Secretary. Sammy Halifax support the charge.

Judge. What have you to say, Sammy Halifax, against the prisoner?

Sammy Halifax. A few days ago, having given my tutor satisfaction in the performance of my exercises, he ordered me a plum tart, as a reward. It was baked in a tin pan, which I was ordered to bring back, as soon as I had eat the tart. Henry Lenox was remarkably taken with the look of this tart, and offered to keep it for me till I wanted it,
alleging

alleging, that his room, which was a north light, would keep it much better than mine, on which the sun shone the hottest part of the day. I accepted the offer, and saw him put it into his cupboard. I went immediately to invite two or three of my intimates to partake of it in the evening in my own room, and thought I could do no less than ask Harry Lenox to make one of our party, in consideration of his kindness; but he excused himself. In the evening we all met, and Harry Lenox brought the tart, set it down, and begged leave to be excused, as he had promised to take a walk with his sister. It was a long time, so charming.



did it look, before we could persuade ourselves to spoil the sight of it. At last I stuck my knife into it; but how shall I express our disappointment, when, instead of fine plums and rich juice, we found only pebbles and water! We all vowed revenge for this piece of treachery, and would have beat him soundly, could we have then found him; but he had taken care to get out of the way. When our first warmth was over, we concluded it would be better to treat him in a judicial manner; and he is now before this court for that purpose.

Judge. You have said, that you saw him put the tart into the cupboard; can you take upon you to say, whether or not there was any lock to it?

Sammy Halifax. I am certain there was no lock on the cupboard; for he said to me, when he put the tart into it, that he had no lock, and he hoped nobody would get at it.

Judge. By what reason do you then conclude that he was the thief?

Sammy Halifax. Because he had the care of it, and refused to come and partake of it.

Secretary. George Bobadil, come and give evidence.

Judge.

Judge. What do you know of this matter, George Bobadil?

George Bobadil. I was one invited by Sammy Halifax to eat part of this tart; but on cutting it up, instead of plums, we found only stones. It was instantly concluded that Henry Lenox was the traitor.

Judge. Had you any other reason to suppose that Henry Lenox was such?

George Bobadil. There was reason to think so; besides, I met him as I was going to the feast, stopped him, and told him where I was hastening; when he replied, as I thought, with a sneer, you will have a delicate repast! I did not then know that he was entrusted with the care of it, and concluded, that this manner of answering me arose from my supposition of his not being invited; but the tart was no sooner cut up, than his reason for answering me thus was evidently apparent.

Judge. You cannot take upon you to say, that you positively know him to be guilty of the charge?

George Bobadil. I cannot, but there is the strongest presumption of it.

Secretary. John Evelyn, come and give evidence.

Judge.

Judge. What have you to say, John Evelyn, to this matter?

John Evelyn. I was one invited by Sammy Halifax to partake of this tart; which, when cut up, produced nothing but stones. I had been walking after dinner in the garden, before I went into the school, and when I got to the bottom of it, I saw Henry Lenox, and three or four more, sitting on the grass under a rose bush. As soon as I came within sight of them, I saw them all in a bustle; and, when I came up to them, though I did not see them eating any thing, yet their mouths were so clammy, that it was with difficulty they could answer me. As I had then no reason to suspect any thing, and finding myself an unwelcome guest, I left them, and went into the school.

Judge. You do not then pretend to say what they had been eating.

John Evelyn. I cannot take upon me positively to say what they had been eating; but I afterwards made no doubt of its being Sammy Halifax's tart.

Secretary. Come, Edward Jackson, and give evidence.

Judge.

Judge. What have you to say, Edward, with respect to this tart?

Edward Jackson. I was invited to partake of it, and was, like the rest, disappointed; for there was nothing left but the top crust, the side and bottom crust, all the plums being taken away, and stones and water put in their place.

Judge. Who do you suppose did it?

Edward Jackson. I make no doubt that it was Henry Lenox. It being left in his custody, and his refusing to come and partake of it, seem to corroborate the guilt of Henry Lenox.

Judge. Have you any other circumstances to allege against him?

Edward Jackson. Yes; after he came out of the garden, and had been some time in the school he was called out to construe. Before he left his form, he pulled out his handkerchief to blow his nose, when three or four plum-stones fell on the ground. After he was gone I picked them up, for I love the bitter of the kernel.

Judge. Did you observe these plum-stones, whether they were of a pale or a red colour?

Edward.



Edward Jackson. I had put them into my pocket, and forgot them; but, on meeting with my disappointment in the tart, and finding there was so much room to suspect that Henry Lenox was the culprit, I pulled out the stones. We examined them, and found, by their colour, they had been baked; for they were of a deep red. We concluded likewise, that they must that day have been taken out of some tart, as they were still clammy.

Judge. Did you ask Henry Lenox how he came by those stones?

Edward Jackson. I did not, for I well knew

knew, if I had, he would not have answered me.

Judge. Did you take any method to discover who was the person that robbed Sammy Halifax?

Edward Jackson. Yes; we agreed among ourselves, with our tutor's leave, to stick up a paper in the school, offering one shilling reward to any of the party, who would turn evidence, and give information of the person who committed the fact. As we had great reason to suppose several were concerned in the eating of it, we were in hopes, by this means, to make a discovery; but we were disappointed, for not any one spoke a word about it, and all in general pleaded ignorance.

Secretary. Hannah Careful, please to give evidence.

Judge. Pray what have you to say to this matter.

Hannah Careful. I am a half-boarder, and was ordered by my governess to attend here, in order to prove, that the tart I delivered to Sammy Halifax was filled with plums, and not stones.

Judge. That is a material point: pray proceed.

Hannah

Hannah Careful. My governess instructs me in the art of pastry and confectionary; I that day made all the tarts myself, and was ordered to give Sammy Halifax one of the best. Before I gave it him, I raised one side of the crust, to see if the syrup might not have boiled out; when I found it had not; and I am certain it was filled with plums, when I delivered it to Sammy Halifax.



Secretary. Sally Delia, please to give evidence.

Judge. What do you know of this affair?

Sally Delia. Your lordship cannot have yet forgotten, that I was myself lately so unfortunate

nate as to fall under the censure of this court. I am sorry for the crime which then brought me before you ; but I shall ever consider that day as the happiest period of my life—a day in which I was convinced of my folly, obstinacy, and self conceit ; a day, to which I owe all the happiness of a calm and peaceful life, free from the passions of thoughtless girls, who place enjoyments in the gratification of unreasonable desires.

Judge. Pray, Sally, proceed, and do not imagine you will be troublesome to the court : there is nothing we can listen to, with so much pleasure, as the language of reformation.

Sally Delia. I do not mention this out of vanity ; only to induce the court to believe, that I do not this day appear here against Henry Lenox out of any grudge whatever to to his having been a witness against me. So far from it, I consider him as my benefactor ; I consider him as one of those to whom I am indebted for my reformation. Happy shall I think myself, if I shall any ways contribute to his !

Judge. Your evidence cannot be disputed, and I doubt not, the jury will lay much stress on what you shall advance.

Sally Delia. It has lately been my custom in the evening, to retire to a little arbour behind the summer-house, in the bottom of the garden. I had this evening been so intent on what I was reading, that I had stayed longer than usual. In the midst of my thoughts I was interrupted by the noise of somebody breaking through the bushes. I soon heard Henry Lenox's voice, and that of some others whom I well knew. I soon found the cause of their thus breaking out of their own bounds. They had some secret to talk of. I sat as still as possible, fearing I might be discovered, and heard Henry Lenox say, "If you *blow me*, I never will forgive you; besides, you will come in for a flogging as well as me." They all promised they never would *puff*: one said, he never eat any thing sweeter in his life; another said, it was sweeter because it was stolen; and a fourth laughed heartily on thinking, when it was opened, how foolish they must all look; it was, says the fifth, one of the best—Here he stopped, for the foot of a person was heard coming down the garden, when they all flew away, and got off, unperceived by any one but myself. It was one of the maids, who

was coming to look after me; and my governess chid me for staying beyond the time allowed me. My acknowledging my fault, and asking pardon, was thought a sufficient atonement.

Judge. Can you, from what you heard in the garden, take upon you to say, that Henry Lenox is certainly guilty of what is laid to his charge?

Sally Delia. Had not the maid disturbed them, by coming to call me, I doubt not but I should have been able to answer in the affirmative; at the present, I only say, that I believe so: and that upon the strongest presumption.

Judge. Henry Lenox, what have you to say in your defence.

Henry Lenox. I am happy in being tried by a judge and jury, who have too much sense to convict me on mere conjecture, and where there is far from any positive proof. To give a verdict against me, in this case, would be opening a way to the greatest errors; how many, through the hasty determination of a jury, on mere conjecture, have suffered unjustly! but should I meet with that fate, I will never find fault or repine, since I am sen-

sible I shall not be the first, and I trust, that my innocence will support me under the unmerited disgrace. Sammy Halifax came to me, brought a tart in his hand, and for safety, to oblige him, I put it into my cupboard: I brought it from thence, and gave it him. If any one got to it, and treated it in the manner he describes, I am sorry for it; but it cannot be imputed to my fault. My reason for declining taking part of it, is well known to my sister, whom I had promised to take a walk with in the evening. She is now in court, and I apprehend, her word will not be doubted. As for the sneering words I made use of to George Bobadil, (for that was the term he gave them,) if they had any particular meaning at all, it could only serve to shew, what little consideration I made of mere matters for the tooth. As for the evidence which John Evelyn has given against me, it can be of no weight, since it is well known that each has his confidant, and that each has some mighty secret to reveal to another. As to what Edward Jackson advances with respect to the plum-stones, they might as easily have fallen from the pocket of another, as from mine; and there is even a possibility,
that

that these very plum-stones may have come out of the tart, after they themselves had eat it. Upon the whole, I leave it to your lordship and this honourable court, whether there may be any other view in this trial, than that my accusers may obtain another tart at the expence of my credit.

Secretary. Susan Lenox, please to give evidence.

Susan Lenox. My brother came to me the evening in which the tart was eat, agreeable to my invitation; and I did not hear him mention the least syllable that could indicate his guilt in this matter. He mentioned the tart, indeed, by saying, he was invited to eat part of it, but added, that his appetite was the least of his concern.

Judge. Did he appear more cheerful or dejected than usual?

Susan Lenox. I perceived no change in him; he had nothing more or less of his natural gaiety and cheerfulness.

Stephen Brooks. I have known the prisoner a long time, and have always found him more ready to give than receive; and far from taking any thing from any one.

Richard Richards. The prisoner, has been

my intimate playmate for four years; and I never once quarrelled with him in my life.

Benjamin Blunt. The whole is a contrivance to bring Henry Lenox into disgrace, and to make you believe they have been ill used.

Judge. You have said, Sally Delia, that there were some voices you heard in the summer house, besides that of Henry Lenox? do you imagine that either of these last young gentleman were there?

Sally Delia. I am certain they were all three there.

Judge. Young gentlemen of the jury, I will not take up your time in recapitulating the evidence given: every part of it seems to agree so well, that you cannot mistake it. The two principal points to be considered are these. If you are determined to find him guilty only on positive proofs, then you must acquit him, for there does not appear to be any throughout the whole trial; but if you will be contented with circumstances, supported by the strongest evidence that can be given, then you must find him guilty. It is indeed, a just observation of the prisoner, in his defence, that many have suffered innocently, though on the strongest presumptions; and,

and I must add, that the character of a young gentleman is too tender a thing to be sported with. After all, I do not presume to direct you. I would only advise you to think of the matter impartially : a verdict given from such principles of action, though it may tend to lead to a mistake, can never be attended with reproach.

(The jury then went out of court, and returned in about an hour and a quarter.)

Judge. Gentlemen of the jury, are you agreed in your verdict?

Jury. We cannot determine, and therefore beg to leave it *special*.

The judge immediately quitted the chair, which was soon after filled by the tutor, and the judge took place of the secretary. Henry Lenox, who had not doubted, as there was no positive proof against him, but that he should be acquitted, as soon as he found the jury left it *special*, and that his tutor had taken the chair against him, his heart instantly failed him, and every one took notice of the alteration of his countenance. Judge Meanwell then went all through the evidence, which being finished, the tutor thus addressed Henry Lenox.

“ Henry

“ Henry Lenox, I am unhappy for you in finding, that to the crime of theft, you have added the grievous guilt of a lie. By your artful defence, you have so far baffled the jury, as to make them doubtful of the clearest thing in the world. Do not foolishly imagine that you have any compliment to pay yourself on this score: the most shining abilities, when used to deceive and mislead, to trick and cozen mankind, and to persuade them out of their lawful property, become the most dangerous possessions, and are as mischievous as plagues, pestilence, and famine. How can you dare to arrogate to yourself that part of philosophy, which teaches you to look upon the luxuries of life with indifference, while your heart must tell you, that you have not the least claim to it, and that you sacrifice your character and reputation to obtain luxurious trifles? They who are capable of deceiving in small concerns, will not scruple to be guilty of injustice in matters of the highest moment. No one is wicked all at once; they harden their hearts by degrees against the truth, and at last are totally blind to it. Such conduct as your's promises nothing but the most fatal events; but it is my place to destroy

groy it in it's bud ; and be assured, that though the jury could not see into your guilt, I can most clearly : and I do further tell you, that unless you confess your fault, ask pardon, promise to do so no more, and make it your study to keep your word, I will treat you with the utmost severity. I will abridge you of every kind of amusement, and will confine you from the rest of your school-fellows, that you may not corrupt them. On the other hand, if you confess your crime I will lessen your punishment, and may, perhaps, restore you to my favour."

Henry Lenox then fell on his knees, and with tears in his eyes confessed he was guilty, but mentioned nothing of those that eat part of it. His master then forgave him, on his most faithful promises of future amendment; and those who had been evidences against him shook hands with him, and they were all friends immediately.

As Henry Lenox was naturally of a good disposition, and had only one fault to mend, that of being unlucky, and a little too much given to mischief, it is easy to foresee, that after this, he could not fail of being a good boy, which really proved the case.

TRIAL.

TRIAL THE FOURTH.

AFTER the trial of Henry Lenox, things remained for a long time in tranquillity, every one being very circumspect in his behaviour, and cautious how he gave the least offence. James Flirt, a new scholar, disturbed the public repose. He was descended of very illustrious ancestors, and his parents were immensely rich. Every one about him was taught to study his pleasure, and he was not to cry for any thing a moment. If at any time he condescended to converse with the servants, he was reminded of the fortune he was born to, and the illustrious antiquity of his descent.

Hence it is no wonder that he was proud, haughty and imperious; and considered the major part of his school-fellows, who were not born to such estates as himself, as mortals who were sent into the world only to amuse him, to flatter his passions, and be beforehand in gratifying all his wishes. His uncle, who was a wise and prudent old gentleman, foreseeing that he would be irrecoverably

verably ruined, if he was kept at home, had exerted his authority to get him sent to a public school, protesting, otherwise, he would leave his large estates to somebody else, who should know how prudently to use them, by adding to his own felicity, and increasing that of mankind in general. This picture represents his common practice.



James Flirt was now got to a school where, no distinction was shewn but such as arose from genius and merit: and he was obliged to abide by those laws, which laid him under the same restriction as the meanest there. All these things considered, we cannot

not be at all surprised at now seeing him brought to trial, after repeated misdemeanours. As their master was sensible that shame often went further in reclaiming a lad of any tolerable sense, than the severest exertions of school discipline, which oftener hardened than made them sensible of their error; and this he was the more agreeably convinced of, from the reformation among his scholars, since the establishment of this high court of justice. The master, therefore, in order to make the greater impression on the mind of James Flirt, invited all the neighbouring gentry to the trial; and, the next morning, the court was filled with persons of the first distinction, the judge took the chair, the jury chosen, and the prisoner brought to the bar, when the trial began.

Secretary. Peter Peaceful against James Flirt, for personal reflections.

Judge. James Flirt, this is the first time a crime of this nature has been ever brought before me, and I shall be happy indeed if you can clear yourself of so bad a charge—a charge of such a nature, as must render the person convicted of it odious and contemptible.—Mr. Secretary call up the witnesses.

Secretary.

Secretary. Peter Peaceful support the charge.

Peter Peaceful. It is not on my own account, that I lay this charge. The young gentleman who has received the injury, I shall call by the name of Infelix. The reason why the injured person does not appear before you, and why I chuse to conceal his name, will be clearly seen in the course of my evidence.

Judge. The absence of the injured party cannot invalidate the evidence present. Please to proceed.

Peter Peaceful. The father of the injured young gentleman was brought up to mercandize, which he had followed from a child. He was indefatigable in business. His unwearied diligence and conduct procured him credit and riches. So great was his reputation for sobriety, industry, and integrity, that he was the favourite of every one on Change; and had so far obtained the esteem of his uncle, that, at his death, he left him his business, and a sum of money to support it. Riches soon flowed into his bank from almost every part of the globe, and the faithful partner of his happiness at home contributed to make his felicity complete, which was rendered

dered still more tender and endearing by the birth of a daughter, and afterwards that of a son, who is the cause of the present complaint against James Flirt. Could mortals see through the roll of fate, how miserable would they be! In the highest pitch of prosperity, when we appear even out of the reach of envious Fortune, when it should seem impossible to dash with bitterness the cup of plenty and delight, could we see but a short way through the curtain of futurity, how many dangers should we there behold hastily approaching! how many anxieties disappointments, and perplexities awaiting us! Thus weak mortals, when they think they are treading on the solid rock, are insensibly sinking into devouring sands. The first shock which the felicity of Infelix sustained, was the loss of his amiable wife, whose virtues had justly rendered her the darling of his heart. Overwhelmed with grief at this irreparable loss, just at a time, when he had fitted out the greatest venture he had ever yet trusted on the ocean, and in which his whole estate was embarked, he suffered them to sail without thinking of any insurance. Scarce had they got clear of the channel, when falling in with
the

the enemy's fleet, they were all taken. So far was he sunk in grief and despondency for the loss of his wife, that he paid little regard to the first intelligence of this additional misfortune. At last, awakening as it were, from a dream, he became sensible of this fatal blow. He received it, however, with courage and fortitude. He sold his estates, and paid all his debts, and with the remainder embarked on board a fleet then in the river, hoping to repair his fortune in foreign countries, and return again to England in prosperity. But, alas! he was reserved for a harder fate; for his ship ran upon the rocks, when he, and



every one on board it perished in the sea. See too just a representation of this terrible calamity!

The brother of the unfortunate merchant took Infelix and maintained him at this school. The daughter fell into bad hands: but over her history let me draw a veil of silence, since Penelope is no more. Thus have I related the melancholy history of the family of this unfortunate young gentleman. He frequently repeats it to us when he finds us inclinable to be thoughtful and gloomy. He is the constant object of our pity, and each does his best to console him. But of this number, I must except James Flirt, who treats him with the utmost contempt, calls him a beggar, and thinks him beneath his company.

Judge. What is the general character of Infelix?

Peter Peaceful. He is easy, affable, and good-natured; but rather gloomy and thoughtful, which we attribute to an over-serious reflection on his misfortunes.

Judge. What think you of James Flirt?

Peter Peaceful. Proud, haughty, insolent, over-bearing, looking upon every one as his inferior,

Secretary.

Secretary. Adam Adams come and give evidence.

Judge. Have you ever seen any rude behaviour in James Flirt, or heard him throw any personal reflections on Infelix?

Adam Adams. Yes, frequently: it is not four days ago that I was playing at taw with James Flirt, when a dispute arose between us; and as Infelix was standing by, I desired him to decide the matter. He gave it in my favour, when James Flirt flew in a violent passion, and was surprised that such a beggar should presume to give judgment against him.

Judge. What answer did Infelix make to this?

Adam Adams. He shook his head, and turned away without making any reply.

Judge. What is your opinion of Infelix?

Adam Adams. He is every thing that is good and amiable, and exactly the reverse of James Flirt.

Judge. And yet you play at marbles with the latter?

Adam Adams. Yes, for the sake of his marbles: I have won of him, since he came here, two hundred and fifty-nine common marbles, seventy-three allies, and eighteen

baunces, all by fair play; and I was so well pleased with it, that I drew this picture.



Secretary. Jonas Goodchild come and give evidence.

Judge. What have you observed amiss in the behaviour of James Flirt to Infelix?

Jonas Goodchild. One day last week, being at dinner, James Flirt sat next to me, and Infelix next to him. Our master had helped them both, when James Flirt, liking Infelix's piece of meat better than his own, he snatched it out of his plate, and threw his own in the room of it. Infelix asked him how he could behave so rudely? He bid him hold his tongue,

tongue, as silence would best become him. Infelix replied, though he was not born to a large fortune, yet his behaviour should shew him to be a gentleman, which he feared all his money would never make him. Flirt was stung to the heart with this reproof; and, instead of saying any thing more, cut off a bit of fat, and flung it full in his face.

Secretary. Lewis Bridges, come and give evidence.

Judge. Relate to the court what you have seen or heard of James Flirt's ill behaviour.

Lewis Bridges. I was the other day going to play at dumps with James Flirt, when we wanted a fourth to make up the number. I called to Infelix; but he no sooner came than Flirt refused to play, alleging, that he thought it beneath him to keep such company. Upon this Infelix thus spoke to him: "You are sadly mistaken, Master Flirt, if you mean to value yourself merely on your large fortune. My parents were once rich like your's; but the hand of Providence has so ordered it, that I have now lost them, and I am left in indigence." Flirt, instead of making him a reasonable answer, turned short about, threw down a handful of dumps, told him he pitied him,

him, bid him pick them up, keep them, and go about his business. Infelix, grieved at the repeated insults he received from Flirt, could not refrain from tears. Some of us followed him, and did all we could to comfort him, but in vain; for he instantly wrote a letter to his friends, begging he might be taken from the school. A letter came from them to our master, who immediately determined to send Flirt away, rather than lose Infelix. He was willing, however, first to try what effects this trial might produce.

Judge. It is almost needless to ask you what is the general character of these two young gentlemen; but as you are the last evidence I intended to call, you may give the court your opinion.

Lewis Bridges. Such is the conduct of Infelix, that every one esteems him as the most agreeable companion. He is no way proud or haughty, nor do his misfortunes tempt him to sink into meannesses: and, even of the little he has, he is always ready to spare part of it to any one in want; but the behaviour of James Flirt may be described in a few words, that he is altogether disagreeable and insupportable.

Judge.

Judge. I apprehend it will be needless to call up any more witnesses to prove the charge alleged against James Flirt; but before I require him to make his defence, I would address myself to him. To you, James Flirt, I am now speaking, and sorry I am that you should stand in need of my admonitions. The false glare of being born to riches has led you into those errors, which may one day prove your ruin. It is not honours, wealth, or titles, that constitute the man, of which justice, humility, and prudence, are the only ingredients. The ancients very properly placed a looking-glass at the foot of Fortune, that her darlings might behold themselves therein, and be reminded that they were men and not gods. Prosperity vainly elates the heart of mankind, and they can no longer look upon him, however great he formerly was, who is now reduced. The tyrant Fortune, says Sallust, rules every thing: she exalts one, and debases another, and this more by caprice than reason; but she cannot give or take from any one integrity, probity, and the other good qualities of the soul. In all Roman triumphs, two men preceded the chariot of the conqueror, the one bearing in his
hand

hand a death's head, and the other a peacock, frequently repeating these words: *Remember, thou art a man!* This was done to remind the hero of the uncertainty of human life, and to shew him the living picture of himself in the pride of the peacock. Were I permitted to draw one instance more from profane history, I would remind you of the melancholy end of Crassus, the richest of all the Roman republicans, whose idol was gold. Avarice was his motive for undertaking the war against the Parthians, who destroyed him and all his army. The head of Crassus being brought to the king, he ordered melted gold to be poured down his throat, accompanied with these insulting words: "Glut thyself with that gold, with which in thy life time thou wast never to be satisfied!" The most cloudy night often succeeds the clearest day, and the storm frequently gathers on a sudden, when the heavens seem the most serene. What is this but a faint image of human affairs? Prosperity, which one moment seems as fixed and immovable as a rock, is in the very next, turned into adversity! if the longest course of human life, replete with delights; if years of pleasure, and ages of happiness are compared
by

by Solomon to a fleeting shadow; to a swift messenger, whom we hardly see but he vanishes; to a ship in its most rapid course ploughing the bosom of the deep; to a bird, whose flight is so swift, that we can scarcely distinguish him; or to an arrow, which flies through the air: if we compare the short duration of human life to these transitory objects, to what shall we compare Fortune and Prosperity, which often flee from a man the very moment he obtains them? Remember, James Flirt, you are now at a school, where no distinction is paid to riches, and where virtue and genius only claim a priority of favours; with these laws you must either agree, or quit the school; but rather let me hope, that you now see your error, that you will confess your fault, and promise never to do the like again. You will then give me the agreeable opportunity of recommending you to the mercy of the jury. I now ask you, what have you to say in your defence?

James Flirt. You have made me too sensible of my crime, to leave any room for a defence. Young and unexperienced in the world, and brought up from my infancy in the most mistaken principles, it was impossible

ble I could be acquainted with those truths, of which I am now made sensible. I will not add obstinacy to the crime I have been guilty of, but do acknowledge my fault, and promise to bear my punishment, whatever it may be, with becoming patience. When the time of my confinement shall be expired, my conduct shall convince all my school-fellows, that my study shall no longer be to grieve and vex Infelix, but to comfort and relieve him.

Judge. Young gentlemen of the jury, there appears no necessity for my detaining you, by going through the evidence given, as the charge is supported in the clearest manner. The confession of the prisoner renders this still less necessary. He is charged with a crime, which ought to be punished with the utmost severity; but, as he acknowledges his fault with the appearance of much sincerity, and as it is far more agreeable to this court to convince than punish, I would recommend to you to be very moderate in your verdict.

(The jury then went out of court, and returned in less than two minutes.)

Judge. Gentlemen of the jury, are you agreed in your verdict?

Jury.

Jury. Yes.

Judge. What say you, is the prisoner guilty or not guilty?

Jury. Guilty.

Judge. What punishment will you have inflicted on him?

Jury. To be confined three days; but during that time to be allowed every other liberty enjoyed by those at large. At the expiration of his confinement, publicly to ask pardon of Infelix.

The whole court was highly pleased with this verdict, and more especially with the submission of James Flirt, of whom every one had conceived no hopes of reformation. Every mouth was full of the praises of the judge, whose eloquence and discernment astonished all present. In short, joy appeared in every countenance, and the particulars of this trial became the public talk of the gentry for miles round.

As soon as James Flirt was conducted to his chamber, in the usual form, Infelix went to him to condole with him. As soon as James Flirt saw him coming to him, he ran to meet him, and throwing his arms around his neck, they both fell a crying. When the

first emotions of tenderness were over, James Flirt begged his pardon, and promised never to be guilty of the like again.

The next day, James Flirt had a hint given him, that, if he chose to appear at large, no notice would be taken of it; but he insisted on suffering his punishment. On the fourth day, he gave a grand entertainment to all the scholars, and their master gave them a holiday on the occasion. Never was a day spent more lappily.

TRIAL THE FIFTH.

THE harmony and tranquillity which reigned among them, and the mutual joy which danced around their little hearts, is much easier to be conceived than expressed. There was no longer heard those continual bickerings, those wranglings, and perpetual disputes about pre-eminence. See how happily they surround the table, and jovially partake of the plentiful but frugal feast.

It was plentiful, because there was enough of every thing; and frugal because no kinds
of



of luxury were admitted. Butcher's meat was the principal; but as it was on a very particular occasion, two fowls and a couple of ducks were allowed. With their victuals they drank table beer; and after they had done eating, each was allowed a gill of wine, which he made into a negus, and a proper portion of fruit was allotted them.

While they were thus making themselves happy, their master was called from them, to a person who wanted to speak to him. This was Farmer Gubbins, who came to lodge a complaint against one of the scholars for a trespass, and insisted on his being brought to a trial. He talked much of corn spoiled,

hedges destroyed, and trees broken. Their master, not thinking it proper to interrupt their felicity that day, desired the farmer would call on the morrow, when he would enquire into his charge. The farmer went away, though a little dissatisfied, that he had not justice, as he called it, immediately done him.

The farmer accordingly came the next day, when their master, looking on it as a trifling affair, turned it over to judge Meanwell, who heard the complaint, and sent for Abraham Avis, the accused young gentleman. The farmer accused, and Abraham Avis positively denied the accusation. The judge, however, in order to pacify Farmer Gubbins, was obliged to promise him to bring Abraham Avis to trial, that if he was not the person, he might prove who was. The next day was appointed to hear the complaint in court, and notice was given thereof to all the neighbouring gentry, who came early in the morning to hear this singular cause. At nine o'clock, the judge took the chair, the jury chosen, and the accused was desired to appear at the bar; for he had not been confined,
but

but suffered to go at large on his parole of honour. The trial then began.

Secretary. Farmer Gubbins against Abraham Avis for a trespass. Farmer Gubbins, please to come forward, and support the charge.

Judge. What is the nature of your complaint, Farmer?

Farmer Gubbins. And please your lordship, I have lately received much injury from naughty and wicked boys, who have broken down my hedges, torn off large arms from my trees, and done great damage to my corn. If matters are suffered to go on in this road, how am I to pay Sir John his rent, the parson his fees, or the parish their dues?

Judge. But how do you know that these wicked boys belonged to this school, and that Abraham Avis was one of them in particular?

Farmer Gubbins. Why, because I do. Can't a body believe one's very own eyes?

Judge. But you must tell where you saw them, and what mischief they did.

Farmer Gubbins. So I can. We call it the Ten-acre-field, and a fine crop of wheat there is upon it too. To go to it from our farm, you must turn upon the left, then upon the right; keep the large oak full in view for a

little time, then turn down by the pond, go by the side of the sifter-elm, and you're there.

Judge. You must describe how you discovered the accused.

Farmer Gubbins. Why, I had been taking my morning's walk, and had sat down under a tree to rest myself, and look at my grain. All on a sudden I hears some rogues breaking through the bushes, up they clamber into a tree, and from thence jumped in all among the corn. Odd-zookers, thinks I, now I have you. I started up immediately, and ran to them. They all made their escape, except that rogue at the bar. I caught him, and I 'nointed his jacket soundly.



Judge.

Judge. Are you sure that the young gentleman at the bar is him whom you beat?

Farmer Gubbins. Sure of it! aye, as sure of it as I see you.

Judge. To how much money do you apprehend the damage may amount?

Farmer Gubbins. Why, I suppose they may have spoiled me a bushel of wheat; that, you know, is seven shillings; then, the damage done to my tree, I reckon at five more; that, you know, makes twelve; then I suppose, the mending of the hedge will cost me two shillings and sixpence. Now, all that put together, makes, you know, the sum amount to fourteen shillings and sixpence.

(Immediately a bustle was heard among the young gentlemen, who offered to raise the money that instant, if his lordship would dismiss the cause: and James Flirt himself offered half a guinea towards it; but as the matter was now brought to a trial, his lordship would admit of no compromise in court, and silence was instantly demanded.)

Judge. Have you any thing further to advance, or any other evidence to bring in support of the charge?

Farmer Gubbins. Odd-zookers, what would you

you have one say more than one has? Why the thing is as clear as the sun at noon-day!

Judge. Abraham Avis, what have you to say in your defence?

Abraham Avis. I own some part of the charge; that we were in the field is true; but that we committed the damage he mentions is false. Myself, and four others, had one morning obtained leave of our master to go and take a lark's nest, which we knew where to find. We had a particular caution given us, to keep out of mischief, and particularly not to go into the corn. We were too sensible of our master's indulgence, to wish to break through any part of his commands. We were bringing back the nest we had been in pursuit of, and coming by Farmer Gubbins's ground, we espied another in one of his trees. I was fixed on to take it. We for some time walked along the side of the hedge, and at last found an opening which led into the field, and which seemed to have been formerly made by sheep, or some other animals. Through this, however, we went into the field, without breaking any thing, and walked as close as possible to the hedge,
that

that we might not hurt the wheat. Scarce had I got up into the tree when I saw Farmer Gubbins running towards us, and hallooing out revenge against us. My companions took to their heels and got off, while I, in my hurry to get down from the tree, by the breaking of the bough, fell in among the corn. Before I could get up again, for I had much hurt myself, the farmer came up to me, when he beat me with a stick he had in his hand, in a most unmerciful manner; and, if the court pleases, I can still show the marks. This the whole truth of the case, and I appeal to my companions for the truth of what I have advanced.

Secretary. Come forward, Henry Lenox, and give evidence.

Judge. Was you, Henry Lenox, one of the party on this bird-nesting expedition?

Henry Lenox. Yes; but we did no mischief: when we found Farmer Gubbins coming towards us we intended to keep our ground, and convince him, that we had neither done, nor intended any injury; but in coming to us he made use of such terrible words, as frightened us all, and obliged us to run away.

Judge. Do you imagine that Abraham
Avis

Avis would have fallen among the wheat, had not the farmer put him in a fright?

Henry Lenox. I apprehend he would not; for he had been some time on that bough, which had no appearance of breaking with him, till the farmer put him in a hurry to quit it.

Judge. Did you see any bruises which Abraham Avis said he received from the farmer?

Henry Lenox. Yes; the next morning he showed me his arm and shoulder, which were yellow, black, and blue.

Judge. Might they not be received in his fall from the tree?

Henry Lenox. I think not, for they were plainly the marks of a stick.

Secretary. Edward Jackson, come and give evidence.

Judge. I suppose you was one of the party. What do you know of the matter?

Edward Jackson. I was one of those that ran away as soon as I heard Farmer Gubbins coming; but, hearing Abraham Avis cry out terribly, I could not find in my heart to leave him. I got on the other side of the hedge, and hid myself behind a tree, from whence

whence I could hear every thing that passed. Farmer Gubbins made use of the most wicked expressions I ever heard in my life; and after beating Abraham Avis in a cruel manner, told him, he would have him, the next day, tried at his own court, where he would not only make him pay for the damages he had now done, but that he should pay for all that had been done for these twelve months past. As soon as the farmer was gone, I went to Abraham Avis, and found him for some time unable to stir. I helped him home, where, on his pulling off his shirt, I was frightened to see his shoulders and arms so swelled. Upon this, I went into the kitchen, and procured a little vinegar; with which I frequently bathed the bruised parts.

Judge. Young gentlemen of the jury, Abraham Avis now stands before you, charged by Farmer Gubbins with damaging his corn, destroying his trees, and breaking down his hedges. These are crimes, of which young gentlemen are too apt to be guilty, and of which they seldom properly consider the consequences. Rent and taxes fall heavy; nor are these the only expences of the husbandman; the land must be manured and ploughed,

ploughed, the seed sown, and reaped in due season; all this must be done by the sweat of his brow, or at the expence of his purse. That young gentleman, therefore, who can be so thoughtless as wantonly to injure people, to whose labour he is indebted for the bread he eats, ought to be severely punished. In the case before you, the farmer seems to have taken out of your hands, supposing the charge just, all power of punishment, by severely punishing the aggressor himself; and his now asking redress from you, is an affront on the court. Abraham Avis in his defence says, that he did not break through the bush, nor had any intention of damaging his corn; and this seems to be indubitably confirmed by the subsequent witnesses. They found the passage, into his fields, through the hedge, already made; and there is more than a probability, that had he not come to them in that violent manner, neither his tree had been broken, nor his corn injured; though it will admit of a doubt, whether either have received any, at least worth mentioning. If you should differ from me in opinion, and think the accused guilty, yet, I doubt not, you will see through the artifice in laying his damages

damages so high. This gentlemen is the state of the evidence, as it appears to me. Let not my opinion influence you, but let your own consciences direct you to give such a verdict, as shall appear to you just and impartial.

(The jury were hardly a minute out of court before they returned, and brought in their verdict, Not guilty.)

Judge. Abraham Avis, I have the pleasure of given you an honourable discharge from the bar; but let this teach you, how dangerous it is for young gentlemen to enter the lands of another, however innocent their intentions may be.

TRIAL THE SIXTH.

THE court being sat there appeared in person, the widow Dorothy Careful, to make a complaint against Henry Luckless, and other person or persons unknown, for breaking three panes of glass, value nine-pence, in the house of the said widow. Be-
H ing

ing directed to tell her case to the court, she began as follows:

I was sitting at work between six and seven in the evening, just as it was growing dusk, and little Jack was spinning beside me, when crack went the window, and down fell a little basket of cakes that was set up against it; I cried to Jack, Bless me, what is the matter! so says Jack, somebody has broken the window. I dare say it is some of the school-boys. I ran out of the house, and saw some boys making off, as fast as they could go. So I ran after them, as fast as I could; but I should not have come near them, if one had not happened to fall down. Him I caught, and brought back to my house, when Jack knew him to be Harry Luckless. I told him I would complain of him the next day, and hope you will make him pay the damage. The judge having heard the widow Careful's story, desired her to sit down, and then desired Henry Luckless to make his defence, who after sobbing two or three times said: I am as innocent of this matter as any boy in the school, and I have suffered enough about it already. Billy Thompson and I were playing in the lane near the Widow Careful's house,

house, when we heard the window crash, and directly after she came running out towards us. Upon this, Billy ran away, and I ran too, thinking I might bear the blame. But in running I stumbled and fell, and before I could get up again, she caught me by the hair, and began lugging and cuffing me. I told her it was not I that broke her window; but it did not signify, for she dragged me to the light, and said she would inform against me.

Judge. I find, Widow Careful, you were willing to revenge yourself, without waiting for the justice of this court.

Widow Careful. I confess I was in a passion, and did not consider what I was doing.

Judge. Well, where is Billy Thompson?

Billy Thompson. Here.

Judge. You have heard what Harry Luckless says, declare whether he has spoken the truth.

Billy Thompson. I am sure neither he nor I had any concern in breaking the window. We were standing together at the time, and I ran, on hearing the door open, for fear of being charged with it, and he followed. But what became of him, I did not stay to see.

Judge. So you let your friend shift for himself, and only thought of saving yourself. But did you see any other person about the house or in the lane?

Billy Thompson. I thought I heard somebody on the other side of the hedge creeping along, a little before the window was broken, but I saw nobody.

Judge. You hear, good woman, what is alleged in behalf of the person you have accused. Have you any other evidence against him?

Widow Careful. One might be sure they would deny it, and tell lies for one another; but I hope I am not to be put off in this manner.

Judge. I must tell you, that you give too much liberty to your tongue, and are guilty of as much injustice as that of which you complain. I should be sorry indeed, if the young men of this school deserved the general character of liars. You will find among us, I hope, as just a sense of what is right and honourable, as amongst those who are older; and our worthy master certainly would not permit us to try offences in this manner, if he thought us capable of bearing false witness in each other's favour.

Widow

Widow Careful. I ask your pardon ; it is a heavy loss for a poor woman, and though I did not catch the boy in the fact, he was the nearest when it was done.

Judge. As that is no more than a suspicion, and as he has the positive evidence of his school-fellow in his favour, it will be impossible to convict him consistently with the rules of justice. Have you discovered any other circumstance that may point out the offender ?

Widow Careful. The next morning, Jack found on the floor this top, which I suppose the window was broke with.

Judge. Hand it up. Please to examine it, and see if you can discover any thing of its owner.

Juryman. Here is P. R. cut upon it.

Another. Yes ; and I am sure I recollect Peter Riot's having just such a one.

Another. So do I.

Judge. Peter Riot, is this your top ?

Peter Riot. I don't know, perhaps it may be mine ; I have had a great many tops, and when I have done with them, I throw them away, and any body may pick them up that pleases. You see it has left its peg.

Judge. Very well, Widow Careful, you may retire.

Widow Careful. And must I have no amends?

Judge. Have patience. We shall do all the justice in our power. As soon as the widow was gone, the judge, with much solemnity, thus addressed the assembly.

This business, I confess, gives me much dissatisfaction. A poor woman has been injured in her property, without provocation; and though she has not been able to convict the offender, it cannot be doubted that she, as well as the world in general, will impute the crime to some of our society. Though I am convinced she charged an innocent person, yet the circumstance of the top affords a strong suspicion, indeed almost a proof, that the perpetrator is one of our body. The owner of the top has justly observed that its having been his property is no certain proof against him. Since therefore, in the present defect of evidence, the whole school must remain burdened with the discredit of this action, and share in the guilt of it, I think fit in the first place, to decree, that restitution be made to the sufferer out of the public chest :

chest : and next, that a court of enquiry be instituted, for the express purpose of searching into this affair, with power to examine all persons, who are likely to throw light upon it. I hope these measures meet with your concurrence.

The whole court expressed their entire satisfaction with this determination.

It was then ordered, that the public treasurer should pay one shilling to the Widow Careful, and make an apology in the name of the school. And six persons were taken by lot, out of the jury, to compose the court of enquiry, which was to sit in the evening.

The court then adjourned.

On the meeting of the court of enquiry, the first thing proposed by the president was ; that the persons who usually played with Peter Riot should be sent for. Accordingly Tom Frisk and Bob Loiter were summoned, when the president asked them, if they knew the top to have been Riot's. They said they did. They were then asked, whether they remembered when Riot had it in his possession?

Tom Frisk. He had it the day before yesterday; and split a top of mine with it.

Bob Loiter. Yes, and then, as he was making a stroke at mine, the peg flew out.

President. What did he then do with it?

Tom Frisk. He put it in his pocket, and said it was a strong top, he would have it mended.

President. Then he did not throw it away, nor give it to any body?

Bob Loiter. No; he pocketed it up, and we saw no more of it.

President. Do you know of any quarrel he had with Widow Careful.

Tom Frisk. Yes; a day or two before, he went to her shop for some gingerbread; but as he owed her sixpence, she would not let him have any, till he had paid his debts.

President. How did he take this disappointment?

Tom Frisk. He said he would be revenged on her.

President. Are you sure he used such words?

Tom Frisk. Loiter heard him as well as myself.

President. Do either of you know any more of this affair?

Both. No, Sir.

While debating on the next step to be taken,

ken, Jack, the widow's son, was introduced, who thus addressed the president :

Jack. As I was looking about this morning for sticks, in the hedge over against our house, I found this buckle. So I thought, this must belong to the person that broke our windows. So I have brought it to see if any body in the school would own it.

President. On which side of the hedge did you find it ?

Jack. On the other side from our house in the close.

President. Let us see it. This is so smart a buckle, that I am sure I remember it at once, and so I dare say you all do.

All. It is Riot's.

President. Has any body observed Riot's shoes to day ?

One Boy. Yes, he has got them tied with strings.

President. Very well ; we have nothing more to do, than to draw up an account of all the evidence we have heard, and lay it before the judge. Jack, you may go home.

The minutes of the court were then drawn up, and the president took them to the judge. After he had perused them, he ordered an indictment

dictment to be drawn up against Peter Riot, "for that he meanly, and with malice aforethought, had broken three panes in the Widow Careful's window, with a top, whereby he had committed an injury on an innocent person, and had brought a disgrace on the society to which he belonged." At the same time he sent to inform Peter Riot, that his trial would come on next morning.

Riot, who was with some of his gay companions, affected to treat the matter with great indifference, and even make a jest of it. However, in the morning, he thought it best to endeavour to make it up, and accordingly, when the court was assembled, he sent one of his friends with a shilling, saying that he would not trouble them with any further enquiries, but would pay the sum that had been issued out of the public stock. On the receipt of this message, the judge with much severity observed, that by such contemptuous behaviour towards the court, the criminal had greatly added to his offence, he ordered two officers to bring in Riot, and to use force, if he should resist them. The culprit thinking it best to submit, was led in between the officers:

officers: when being placed at the bar, the judge thus addressed him:

I am sorry that any member of this society, can be so little sensible of the nature of a crime, and so little acquainted with the principles of a court of justice, as you have shewn yourself to be, by the proposal you took the improper liberty of sending to us. If you meant it as a confession of your guilt, you certainly ought to have waited to receive from us, the penalty we thought proper to inflict, and not to have imagined that an offer of the mere payment of damages would satisfy justice against you. If you had only broken the window by accident, and on your own accord, offered restitution, nothing less than the full damages could have been accepted. But you now stand charged with having done this mischief, meanly, secretly, and maliciously, and thereby have added a great deal of criminal intention to the act. Can you think that a court like this, designed to watch over the morals, as well as protect the property of our community, can so slightly pass over such aggravated offences? You can claim no merit from confessing the crime, now that you know so much evidence will appear

appear against you. And if you chuse, still to plead not guilty, you are at liberty to do it, and we will proceed immediately to the trial, without taking any advantage of the confession implied by your offer of payment.

Riot stood silent for some time, and then begged to be allowed to consult with his friends, what was best for him to do. This was agreed to, and he was permitted to retire, though under the guard of an officer. After a short absence, he returned with more humility in his looks, and said he pleaded guilty, and threw himself on the mercy of the court. The judge then made a speech of some length, for the purpose of convincing the prisoner, as well as the bystanders, of the enormity of the crime, he then pronounced the following sentence. You, Peter Riot, are hereby sentenced to pay the sum of half-a-crown to the public treasury, as a satisfaction for the mischief you have done, and your attempt to conceal it. You are to repair to the house of Widow Careful, accompanied by such witnesses as we shall appoint, and there, having first paid her the sum you owe her, you shall ask her pardon, for the insult you offered her. You shall likewise, to-morrow, after school,

stand

stand up in your place, and before all the scholars, ask pardon for the disgrace you have been the means of bringing on the society; and in particular, you shall apologize to Henry Luckless, for the disagreeable circumstance you were the means of bringing him into. Till all this is complied with, you shall not presume to come into the play-ground, or join in any diversions of the school; and all persons are hereby admonished not to keep your company, till this is done.

Riot was then dismissed to his room; and in the afternoon he was taken to the widow's, who was pleased to receive his submission graciously, and at the same time, to apologize for her own improper behaviour and treatment of Henry Luckless, to whom she sent a present of a nice ball by way of amends.

TRIAL THE SEVENTH.

SO general was the harmony that now subsisted among the scholars, that for weeks, there was hardly heard a murmur among them. Every one was ready to oblige or ac-

commodate his school-fellows, and to give good advice to prevent any act which might tend to interrupt the happiness or good order of the school. In short, such a thorough change had the mode of trial effected in their manners, that the gardeners in the vicinity no more found it necessary to exhibit their boards with MEN-TRAPS and SPRING-GUNS, to intimidate the school-boys from wantonly robbing and destroying the fruits of their gardens; nor the farmers to complain of fences broken down, orchards plundered, or grain trodden to the ground. Such was the state of affairs, when a charge was laid by Richard Aimwell, before the master, against Billy Thoughtless, of a breach of trust, attended with acts of cruelty. The next day was appointed for the trial, on which occasion the court was soon crowded: at nine o'clock the judge entered the court, the jury were chosen, and the accused made his appearance at the bar.

Secretary. Richard Aimwell against Billy Thoughtless, for a breach of trust, attended with acts of cruelty. Richard Aimwell, you are ordered by the court to support the charge.

Judge.

Judge. Richard Aimwell, explain the circumstances of the charge.

Aimwell. It is with great reluctance and diffidence I appear before this court, particularly when I am called upon to criminate one of my school-fellows; indeed nothing should have induced me to it, but that love of justice, honesty, and humanity, which at this moment glows in my heart, and supports me in my attempt to speak on this important and interesting occasion.

Judge. Proceed to the charge without circumlocution.

Aimwell. The charge so touches my feelings, that I beg to be excused, if I am not so brief as may be wished. In the summer season, when not at school, it has been my chief amusement to go into the woods in the neighbourhood, to seek out birds' nests; not with a view to deprive them of their eggs or young, but to discover the intricate places in which they build; to admire the curious materials of which their nests are composed; to watch their care and attention from the time the female deposits her eggs, till the young brood burst from their narrow cells, and with their feeble cries redouble their parents' assiduity

in supplying them with food; then, with wonder, behold the rapid progress they make from a helpless, callow state, till they are full fledged, when they quit their native home, to provide for themselves, and partake of similar toils and similar pleasures in rearing broods of their own. A few days ago, Billy Thoughtless accompanying me in one of my excursions, begged I would show him some of the nests with which I was acquainted, for he was very curious to see some, never having been able of himself to discover any. To satisfy his curiosity, but on the express condition of his promising not to meddle with them himself, or disclose them to any other, I showed him a Goldfinch's nest with seven eggs, and a Robin Redbreast's with callow young. But behold the reward of my confidence, on my return two days after, I found them robbed of their contents, the nests torn to pieces, and strewed on the ground; and I have every reason to believe that Billy Thoughtless is the only person guilty of this act of cruelty and breach of trust.

Judge. Are you certain that these nests were robbed by Billy Thoughtless, seeing they

they were not private property, but built in a wood, free of access to any one?

Aimwell. I had not, my lord, ocular demonstration of his being guilty of the offence, but I hope to be able to produce in evidence sufficient proof of his having committed the crime, with which he stands accused.

Judge. Produce your witnesses.

Secretary. Henry Lenox, come forward and give evidence on this trial.

Judge. Do you know any thing of this affair?

Lenox. Yesterday morning, I saw Billy Thoughtless with some bird's eggs strung upon a thread.

Judge. Do you know what sort of bird's eggs they were?

Lenox. I did not inspect them so closely, as to say what bird's eggs they were.

Judge. What number might there be of them?

Lenox. I cannot positively say;—there appeared to be about six or seven.

Judge. Do you believe they were the same that Richard Aimwell disclosed to Billy Thoughtless, in the way of friendship or confidence.

Lenox. I think they were.

Judge. What reason have you for thinking so? Did you see him take them?

Lenox. I did not; but when I enquired where he had got them, he laughed, and said that was nothing to me, and spoke something about how poor Richard Aimwell would be disappointed.

Judge. Do you know any thing about a nest of young Redbreasts?

Lenox. No.

Judge. Do you know any thing farther of this matter?

Lenox. I know nothing farther.

Judge. Call up the next witness.

Secretary. Tommy Telltruth, come forward and give evidence.

Judge. Inform the court what you know of this matter.

Telltruth. On Thursday evening last, Billy Thoughtless called me aside, and asked me what I would give him to show me two nests. I told him that I would give him five marbles and a peg-top; these he accepted, and appointed early the next morning, before school-time, to show them to me. Accordingly we went to the wood, where he showed

showed me, in a crab-tree, a nest with seven eggs, and another under the margin of a bank, near a black thorn bush, with five young; and when we were returning, he begged of me to be sure not to tell Richard Aimwell that he discovered them to me.

Judge. So you left both the nests safe at that time?

Telltruth. Yes; but on a sudden Billy Thoughtless turned back, telling me to stand still and see that none of the scholars were coming that way to follow him. When he returned to me he had seven eggs and five young birds in his hat; upon seeing which, I remonstrated with him on the cruelty of robbing the poor birds of their eggs and their young.

Judge. But are you certain that these eggs and young were not those of some other birds, than the Goldfinch and Redbreast, that you saw? They might have been those of a Wren or Hedge-sparrow.

Telltruth. The eggs of a Goldfinch are distinguished from those of a Wren or Hedge-sparrow, being much larger than the former, and of a pure white colour, specked and marked with a reddish brown, instead of a pale

pale blue, or sea-green, which distinguishes the eggs of the latter.

Judge. What reason have you to think, that these were the same eggs and birds, since you did not see Billy Thoughtless rob the nest before mentioned?

Telluruth. I have every reason to believe so; from Billy Thoughtless being so anxious that I should not discover my knowledge of these nests to Richard Aimwell; and when he returned from robbing them, he exclaimed, how poor Richard Aimwell would be disappointed when he found the nests were gone!

Judge. Do you know what he did afterwards with the eggs and the young birds?

Telluruth. He carried them in his hat homewards, till he met with a boy, to whom he offered the young birds for sale, but not being feathered, the boy would not purchase them, being thus disappointed in his bargain, and obliged to return to school, he cruelly resolved to lay them down on the road, in spite of my remonstrances, for himself and the other boy to throw stones at—At this I was so shocked, that I ran off, and left them to perpetrate their cruel deeds by themselves, and this is all I know of the matter.

Judge.

Judge. I think it unnecessary to examine any more witnesses. Billy Thoughtless what have you got to say in your defence?

Billy Thoughtless. The crime, with which I stand charged, if it merits that name, needs no defence. The evidence is so plain, that I shall not attempt to invalidate it. I own I robbed the two nests, with which I am accused. But who will pretend to say, in so doing, that I have committed a crime? Can any one say they were private property? No. Did they not belong to every one who chose to find them out, as well as to Richard Aimwell; and as to its being a breach of trust because Richard Aimwell discovered them to me, is not worthy of notice. Had he put any of his property into my possession, and I had made use of it as my own, without returning it again, this might be with propriety called a breach of trust. But these nests might have been known of by thousands besides Richard Aimwell; in this case whose property were they? Any one's who first laid hands on them for his own use. Thus, I hope, I stand acquitted of this breach of trust; and as for the acts of cruelty laid to my charge, they are no more than I see committed

mitted daily by other boys. Indeed I thought it an act of humanity to stone the young birds to death, to prevent them from being starved of hunger. Having thus easily answered the charges, the jury cannot for a moment hesitate to bring in their verdict, Not guilty.

Judge. Gentlemen of the jury, it is needless to sum up the evidence: Billy Thoughtless having openly and obdurately acknowledged his having committed the crimes, on which he stands indicted. Richard Aimwell confesses he was not instigated by private resentment to bring forward his charge, but from the pure motives of humanity, which does much credit to the tender feelings of his heart. Before you withdraw, I wish to direct your attention to the fallacious arguments made use of by the prisoner at the bar. He says, that robbing the nests was no breach of trust, since others might be acquainted with them, as well as Richard Aimwell. This is sophistical in the extreme, for Richard Aimwell as certainly did confide or entrust the knowledge of these nests to Billy Thoughtless, as he could have done any property of which he was possessed, and that too without fee or reward, at the express solicitation

licitation of the said Billy Thoughtless. Again, can any thing be more absurd, than his setting forth in his defence, in extenuation of the commission of one cruel act, the committing another more atrocious. These being sufficiently obvious, need no farther remark—I wish now only to observe, that it appears to me, the prisoner has been unconsciously guilty of these offences, from the daily example of acts of cruelty committed on the brute creation; did boys in general but for a moment consider, how they should be tortured, by having their legs or arms torn from their bodies, when in the act of tearing off the legs or wings of flies, butterflies, or bees, or transfixing their bodies with pins or needles, they would shudder at the deed. What harm do the poor innocent Goldfinches or Robin Redbreasts, with whose songs the solitary woods are enlivened, to induce us to rob them of their eggs or young. Have they not all the fond feelings and tenderness of the most indulgent parents! Why then should they be tortured in their most tender connections.

(The jury retired for a few minutes, and brought in their verdict, *Guilty of the facts laid*

laid to his charge but not with a criminal intention.

Billy Thoughtless. My lord and gentlemen of the jury, if it is not trespassing on your time, and breaking through the order of the court, I should be glad to be allowed to observe, that never till this moment, did I see things in the point of view, in which his lordship has represented them. I was always taught to believe, that the birds and beasts were made solely for our use and amusement, and that we had a right to torment or torture them in such manner as our imaginations might induce. I am sincerely convinced of my error, and am ready to suffer any sentence, pronounced by way of punishment.

The judge and jury being well satisfied with the sincere and candid declaration of the prisoner, passed the easy sentence of his making a proper acknowledgement of his offence to Richard Aimwell, to which he cheerfully submitted; and thus happily and satisfactorily ended the trial.

F I N I S.







